

## ZONING AND ADJUSTMENT BOARD

September 2, 2003

The Zoning and Adjustment Board of Sumter County, Florida convened on Tuesday, September 2, 2003 at 6:30 P.M. with the following members present: Chairman Larry Story, Dave Pierazek, Rusty Mask, Todd Brown, Lamar Parker, Frank Topping and Dale Nichols. Mark Caruthers, Dossie Singleton, Richard Bradley, and Evan Merritt were absent. Terry Neal, Board Attorney, was present. Roberta Rogers, Director of Planning & Development, and Aimee Webb, Board Secretary, were present.

The Board members led everyone in the pledge of allegiance and prayer.

Mr. Brown made a motion to approve the minutes from the ZAB Meeting on August 18, 2003. Mr. Nichols seconded the motion and the motion carried.

Mr. Story presented the Proof of Publication.

Garry Breeden, Director of Public Works, was present and requesting the Board's approval for the Florida Recreation Development Assistance Program (FRDAP) grant. Mr. Breeden submitted site plans for modifications to Lake Okahumpka Park (Phase II) and Cherry Lake Park for the Board to review. Mr. Topping made a motion to approve the modifications to Lake Okahumpka (Phase II) and Cherry Lake Parks. Mr. Parker seconded the motion and the motion carried.

ZP2003-44

Charles E. Bradshaw, Jr.

Mr. Nichols made a motion to remove the case from the table. Mr. Parker seconded the motion and the motion carried.

Jim Hall – Canin and Associates, Tony Luke – Luke Transportation, Jim Golden and Jennifer Deal – Hartman and Associates, William Pardue – appraiser, Francis Cheung and Patrick Kennedy – Ardaman, and Jonathan Owen – Hartman and Associates were present in an official capacity on behalf of Eastman Land Development, LLC.

Anna Long, attorney for Eastman Land Development, LLC, was present and explained how the applicant's were concerned with addressing the concerns of people in opposition and surrounding property owners. Ms. Long stated that there was a correction needed in the final order in that there would not be more than a 5% traffic increase to C-48.

Mr. Caruthers arrived at 6:44 p.m. during Ms. Long's opening address.

Mr. Golden, project manager for the landfill, submitted a presentation package for the landfill to the Board members. Mr. Golden also showed a slide projection of the same information submitted to the Board members for the audience members. Mr. Golden explained the Class I landfills were the most regulated facility in the state. Mr. Golden

stated 79% (approximately 918 acres) of the subject property would be for open space, wetlands, and stormwater drainage. Mr. Golden stated the proposed landfill would accept only household garbage, commercial, and select industrial wastes. No appliances, hazardous, bio-medical, or yard wastes would be accepted. Mr. Golden gave an overview of the proposed site plan for the project and addressed Lake County's concerns regarding stormwater run-off. Mr. Golden stated the proposed site would contain approximately sixty test wells to test the aquifer semi-annually. Mr. Cheung, senior project manager for the landfill and engineer, stated the liner was made to protect the groundwater and the landfill would have a geosynthetic double liner, which exceeds the state requirements. Mr. Cheung gave an overview of the liner and had a sample for the Board to feel. Mr. Cheung stated when the liner is installed a third party inspector is brought in so that the liner is checked for proper installation.

Mr. Golden stated the area was a moderate recharge area, the soils were suitable for the location and, a sinkhole study had been had been conducted for active and inactive sinkholes. Mr. Golden stated Lake County need not be concerned with the aquifer due to the flow going northwesterly away from any Leesburg or Lake County wellfields. Mr. Golden addressed the request for the height variance by showing a balloon flight from several views away from the property. Mr. Golden showed the simile of the balloon at 85 feet so as to allow an idea of the view for the proposed landfill height.

Mr. Luke, traffic engineer, gave an overview of the estimated traffic generation and concluded the amount of traffic would be negligible. Mr. Luke stated there would be southbound and northbound decel turn lanes and the access to the proposed site would be paved for one mile. Mr. Hall addressed the Conditional Use Permit compliance criteria per the Sumter County Land Development Regulations, Section 13-143. Mr. Hall stated the Pruitt property, adjacent to the subject property in the City of Leesburg, would be an Urban Development with residential, commercial and industrial uses and the DRI (Development of Regional Impact) process had not yet been completed. If approved the development would be incompatible with the Bradshaw property.

Mr. Golden addressed the need for the landfill by saving Sumter County disposal fees, a reduction of transportation costs for the solid waste and recycling facility, and would be a revenue generator for the County. Ms. Long requested a recommendation for approval from the ZAB based on the Development Review Committee's approval and staff's approval.

Mr. Morrison, attorney for the City of Leesburg, stated the City of Leesburg had never received notice of the hearing, therefore Sumter County was not in compliance with their own regulations. Mrs. Neal stated she felt staff had given proper notice to all interested parties. Mr. Morrison stated the City of Leesburg had experts investigating the possibility of wellfield contamination as the area is a water resource for Leesburg and a future site for a residential development. Mr. Morrison stated there were no regulations in the Land Development Regulations addressing a Class I landfill and felt Sumter County should not compare the Class I landfill to a construction and demolition debris landfill. Mr. Morrison stated there were no soil borings, site-specific information, and

that the applicants were only relying on information from the St. John's River Water Management District. Mr. Morrison stated the traffic study was not correct due to the possibility of the present land spreading operation being applied for in Lake County. Mr. Morrison also stated the variance request does not regulate this type of landfill.

Mr. Duncan, attorney for Dr. Crayton Pruitt and adjacent property owner, stated his clients were concerned because they did not receive proper notification and explained a 7500-unit housing project was proposed adjacent to the landfill. Therefore, Mr. Duncan felt the landfill was not conducive to the area. Mr. Duncan stated the possibility was real for the residential development to begin construction prior to the landfill. Mr. Duncan stated the final order was not correct in that it did not address the employee trips. Mr. Duncan stated the proposed residential homes would abut the proposed landfill and the commercial and industrial uses in the development would be on the outskirts of the project. Mr. Duncan closed by stating the use was not compatible with Lake County and was not properly planned due to the turnpike intersection, the use would be detrimental to the future development, and no screening or buffering requirements had been addressed.

Karen Brody, attorney for Craig Bexley and Padgett properties, stated the use had not been approved by other regulating agencies and felt the approval should be postponed until the approvals had been secured due to the possibility of additional requirements. Ms. Brody stated the use was not compatible with the proposed turnpike intersection on C-470 and the agricultural area would not remain agricultural throughout the lifetime of the comprehensive plan. Ms. Brody stated the landfill would limit future growth for surrounding properties thereby impacting other property owners.

Carnay Merritt, a surrounding property owner, stated she was in opposition to the requested use. Ms. Merritt explained she had built a home in the vicinity and has an active sinkhole on her property as well as her neighbor's property. Ms. Merritt explained she was concerned about the liner leachate and had concerns about the conditions of C-48.

Mrs. Neal left the meeting at 8:15 during the above discussion.

Guy Simmons, a realtor and appraiser, stated he was in opposition and reiterated Ms. Merritt's claims of sinkholes in the area. Mr. Simmons stated the area would be a prime development area when the interchange is completed and the application should be deferred until more information is collected.

Ms. Long explained the proposed landfill would require more permitting and approvals from other regulating agencies. If an approval from any agency were not secured, the landfill would not be permitted to open.

Mr. Topping, Mr. Nichols, and Mr. Caruthers had concerns regarding the actual need for the landfill, would the landfill accept trash from other counties, whether the project was profit driven and if a recycling program had been established. Mr. Topping also felt the proposed use was an industrial use and should be in an area with other similar uses. Mr.

Golden addressed the above concerns stating the recycling program had not yet been established, however wastes would be sorted appropriately, and Sumter County Public Works agrees there is a need due to the current capacity at the solid waste facility.

The Board had a concern about the possibility of a liner system failure. Mr. Cheung stated he was not aware of any failure with the liner. However, the double liner and test wells are proposed to minimize any leakage of the leachate. Mr. Golden explained the leachate created by the landfill is very dilute and it is stored temporarily on the property then transported offsite to a wastewater treatment plant. Mr. Golden stated the leachate could contain minor concentrations of heavy metal and unbiodegradable materials.

Mr. Topping had questions regarding an insurance bond for any corrections that would need to be made post closure of the landfill. Mr. Golden stated the applicants were required to have an insurance bond for closure and post closure of the landfill which is updated annually, and if necessary additional money would be collected for corrections.

Ms. Rogers stated this application was the first step for the applicants and there were several regulating agencies that would have to approve the request. However, the other agency approvals were very costly and would not benefit the applicant if the land use were not approved.

Mr. Nichols questioned the time period for testing the wells and how leaks in the liner were detected. Mr. Golden stated the wells were required to be tested semi-annually, however, they could be tested quarterly if required. Mr. Cheung stated the double liner was the primary leak detection and the well was the secondary. Mr. Cheung stated the liner is well engineered to supersede the state's requirements.

Mr. Pierazek questioned whether the bond would cover Lake County for any necessary corrections. Mr. Golden stated Lake County was covered under the state fund. Mr. Pierazek also questioned how a leak was corrected once it was detected. Mr. Cheung stated a leak correction was not practical.

Mr. Pardue stated the subject property was located approximately two miles from C-470 and would affect the residential uses but not any industrial uses.

Mr. Brown questioned how many trucks would visit the facility per day and the tonnage for each truck, and whether the Pruitt property had addressed the residential waste disposal. Mr. Golden stated there would be approximately 62 trucks per day weighing approximately 25 tons per truck. Mr. Duncan stated the trash from the residential development would be transported to the Lake County landfill then to the incinerator nearby.

Mr. Topping made a motion to deny the request for the Conditional Use Permit to construct and operate a Class I landfill due to:

- a. the use does affect the public,
- b. it is not suitable for the area,

- c. has more than a minimal impact,
- d. is detrimental to surrounding properties,
- e. will infringe on surrounding property owners rights, and
- f. no compelling need for the use had been demonstrated.

Mr. Nichols seconded the motion and the motion carried.

The Board took a recess at 9:18 p.m.

The Board reconvened at 9:33 p.m. with the aforementioned members present with the exception of Mr. Nichols.

#### ZP2003-82

Pernell & Catherine Williams

Kathy Young, representative for the applicant, was present and requesting a rezoning from RR1 and A5 to RR1C on 2.60 acres MOL. There were six notices sent. Of the six notices sent, none were received in favor and none in objection. There were no objections from the audience. Ms. Young stated the purpose of the rezoning was to correct the zoning on a parcel to build a residence. There were no further questions or discussion from the Board. Mr. Topping made a motion to recommend approval of the requested rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

#### ZP2003-83

Robert Strickland

Mr. Strickland was present and requesting a rezoning from C2 and M1 to CH on 6.46 acres MOL. Mr. Brown stated he had a conflict of interest. There were eight notices sent. Of the eight notices sent, none were received in favor and none in objection. There were no objections from the audience. Mr. Strickland stated he owns ten acres not 6.46 acres. Mrs. Webb stated the information regarding the acreage was obtained from the Sumter County property appraiser's office. There were no objections from the audience. Mr. Topping made a motion to table the requested rezoning until the September 15th ZAB meeting to allow the acreage conflict to be resolved. Mr. Parker seconded the motion and the motion carried.

#### ZP2003-84

James Guy & Lois Simmons

Guy Simmons was present and requesting a rezoning from CL to CH on 1.45 acres MOL. There were five notices sent. Of the five notices sent, one was received in favor and none in objection. There were no objections from the audience. The Board inquired as to the proposed use of the subject property. Mr. Simmons stated the proposed buyer intended to sell horse trailers and other equipment. There were no further questions or discussion from the Board. Mr. Brown made a motion to recommend approval of the rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Caruthers seconded the motion and the motion carried.

## ZP2003-78

Judith Harris

Reggie Caruthers, representative for the applicant, was present and requesting a rezoning from A5 and to RR5C on 8.3 acres MOL. There were 11 notices sent. Of the 11 notices sent, none were received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Caruthers made a motion to approve the rezoning request to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Pierazek seconded the motion and the motion carried.

## ZP2003-77

Judith Harris

Reggie Caruthers, representative for the applicant, was present and requesting a Medium Special Use Permit for a church on 8.3 acres MOL. There were 11 notices sent. Of the 11 notices sent, none were received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Caruthers made a motion to approve the requested special use permit based on the information provided in the staff report and the above referenced rezoning case being approved. Mr. Pierazek seconded the motion and the motion carried.

## ZP2003-80

Abubakar Mensah

Abubakar Mensah was present and requesting a Temporary Use Permit to allow an RV as a residence for one year while the permanent residence is under construction. There were eight notices sent. Of the eight notices sent, one was received in favor and none in objection. There were no objections from the audience. Mrs. Webb explained Mr. Mensah is a code compliance case due to the construction of a residence without building permits. Mrs. Webb stated Mr. Mensah had applied for the building permit however, it has not been obtained due to plan review requiring additional information. Mr. Mensah explained he started construction on his residence two years ago but was not aware he needed a building permit but he is working with his architect to obtain the additional information for the building permit. There were no further questions or discussion from the Board. Mr. Caruthers made a motion to approve the requested Temporary Use Permit based on the information provided in the staff report provided Mr. Mensah obtain the proper building permits. Mr. Parker seconded the motion and the motion carried.

## 03B-4

Rock Properties, Inc.

Mrs. Rogers explained to the Board that the category being requested was a new category, Urban High Density Residential. Jack Sullivan, representative for the applicant, was present and requesting the Urban High Density Residential land use category and inclusion of the subject property into the Urban Development Area. Mr. Sullivan explained the request was for multi-family apartments in the urban area to allow

sixteen units per acre instead of six to ten units per acre. Mr. Sullivan explained there was a need for non-retirement housing, which is addressed in the comprehensive plan for Sumter County.

John Peterson submitted a petition against the project requesting the area remain rural. Joseph DiDamazio objected because he felt the apartments would allow people who have a lower level of living. Mr. Sullivan responded by stating the property was not for subsidized housing or any low-income housing. Richard Flannery stated he was in objection due to the present traffic congestion on CR 101 and the use would only add to the congestion.

There was discussion among the Board as to the need for the additional housing. Mr. Caruthers made a motion to recommend approval for the transmittal of the requested application to the Florida Department of Community Affairs for the Urban High Density Residential land use and inclusion of the subject property into the Urban Development Area. Mr. Brown seconded the motion and the motion carried with Mr. Story in opposition.

### 03B-3

Sam & Lynne Long

Kevin Mineer, David Cope, Sam Long, and Jim McCollum were present and requesting the Urban High Density Residential land use category and inclusion of the subject property into the Urban Development Area. Mr. Mineer stated the applicants were committed to four laning CR 101 to the subject property and the anticipated number of dwelling units was 960. Mrs. Rogers informed Mr. Mineer anything over 750 units required a DRI. Mr. Mineer conceded to change the request to 700 units. Brian Warwick, in opposition, stated the subject property was 500' from his and asked that the apartments be spread out instead of clustered together and limit the utilized acreage to 20-acre parcels.

Mrs. Rogers explained Urban High Density Residential allows up to 16 units per acre, however there are criteria requirements. The criteria require the land use to be within an Urban Development Boundary and to have the infrastructure necessary to support the use. There are options as to the types of units and a minimum number of points must be maintained from a point system.

There were no further questions or discussion from the Board. Mr. Topping made a motion to recommend approval for the transmittal of the requested application to the Florida Department of Community Affairs for the Urban High Density Residential land use and inclusion of the subject property into the Urban Development Area provided the application was modified to allow a maximum of nine units per acre. Mr. Brown seconded the motion and the motion carried with Mr. Story in opposition.

Mr. Story stated his concern was too many people in a small area. Mr. Brown stated he felt there was a demonstrated need for the use.

03B-5

I-75 & C-466 Large Scale Comprehensive Plan Amendment transmittal request

Mrs. Rogers requested the above referenced application be tabled until the September 15th ZAB meeting. Mr. Brown made a motion to approve the request. Mr. Caruthers seconded the motion and the motion carried.

Mr. Caruthers made a motion to adjourn the meeting. Mr. Topping seconded the motion and the motion carried.

The meeting adjourned at 11:08 p.m.

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Chairman  
Zoning & Adjustment Board